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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 01/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/673,001

Applicant(s)

KROIE, ROBERT

Examiner

Christy Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a first office action for serial number 09/673001, entitled Paper Coated Metal Building Panel and Composite, filed on October 6, 2000.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reinforcing element (it is interpreted to be defined as a reinforcing member as stated within the specification) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Until further clarification, the examiner will interpret accordingly.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

##### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.

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- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Applicant should assure that the specification is in proper order and that each section as designated above should have *titles* to define each area as applicable. Correction is necessary.

### ***Claim Objections***

Claims 32 and 33 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims are not claiming any other structural limitations specific to further limit the previous claim.

Claims 9 and 21 are objected to because of the following informalities: claim 9 states in line 14, "...of the join between..." it is unclear if this is another part of the invention or if it supposed to be "joint" and was merely a misprint or misspelling. Within claim 21, in lines 4 and 5, it states "... the or each channel.." this is unclear. Appropriate correction is required.

Claim 20 is objected to as being in improper form because it depends from a cancelled claim number 17. Accordingly, the claim 20 has not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 and 19-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2, 5-9, 19-21 and 26, the phrase "of the like/of a like/and a like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 9 recites the limitation "the join" in line 14. There is insufficient antecedent basis for this limitation in the claim. As addressed above, it is unclear what portion of the invention this is supposed to be, correction is necessary.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Sanmartin et al., US Patent # 4,937,125.

Sanmartin discloses the claimed invention a laminated building panel (figure 3) including a paper covering (4, 5, 6) bonded directly onto a metal substrate (8) using a hot melt reactive adhesive (column 6, lines 30-31, lines 39-48).

Claims 19, 21-27 and ~~32-33~~ are rejected under 35 U.S.C. <sup>103</sup>~~102(b)~~ as being anticipated by Harmon et al., US Patent # 4,186,539.

Harmon discloses the claimed invention including a building panel (10) and a reinforcing element (where 18 and 29 points to), the panel having spaced metal sheets (13, 14) interconnected by a core (15), the metal sheets defining opposite major surfaces of the panel (figure 1), each including opposite edge regions (11, 12) which form longitudinal edge regions of the panel (10), at least one of the edge regions of the metal sheets on both opposite edge regions of the panel is profiled *to form* connecting elements (the area where 16 and 17 points to) *adapted to* interfit with the connecting element of a respective one of the edge regions of a like panel (figures 2-4), the panels arranged that the major surfaces (13, 14) of the panels are aligned in substantially abutting relationship *to form* a substantially continuous surface (figure 4); the connecting elements (the area where 16, 17 points to) are in the form of interfitting channels and projections <sup>on opposite edges of panel</sup> (figure 2), each channel (19) incorporating opposite walls (where 19a points to, and see attached figure 2) interconnected by a base portion (where 19 points to), and wherein each projection (what 18 points to) is shaped to interfit with the channel of a like panel (figure 4) and includes opposite walls interconnected by a substantially flat

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apical portion (where 10 points to), the reinforcing element (16, 17) includes at least one engagement part which is generally u-shaped (figure 2) and locates between a interfitting channel and projection of the interconnected panels (within the area of where 26 points to); the reinforcing element includes spaced apart engagement parts (21) interconnected by a web (17); the opposite walls of each channel (where 19 points to) and projection (where 18 points to) merges with its base portion at approximately 90° *to form* a part box section (see attached figure 2); wherein the opposite walls of the channel include a re-entrant inner surface/portion and the opposite walls of the projection includes a crest on its outer surface (where 22 points to) - see attached figure 3, and they are both arranged to engage each other in a snap fit arrangement (figures 3-4); the connecting elements (the area where 16, 17 points to) are *adapted to* interfit with the connecting elements of a like panel with the reinforcing element (16,17) in a snap fit arrangement (figures 3-4); and, at least one abutment surface (what 18 points to) at each longitudinal edge region extending generally perpendicular to the major surface (13, 14) of the panel, each disposed between a major surface and the connecting element (figure 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14-16 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al., US Patent # 4,186,539 in view of Sanmartin et al., US Patent # 4,937,125.

Harmon discloses the claimed invention a building panel as stated above in claim 19, including the channel (19) is generally c-shaped in cross-section (figure 2), the projection is also in the form of a channel (see the attached figure 2) and interfits in nesting engagement within the channel of a like panel (figures 2-4), an outer surface of the projection (where 22 points to), the inner surface of a channel (where 19 points to), the major surface incorporates a recess (19a) adjacent its edge regions (where 16 and 17 points to) and, the metal sheets are interconnected by a core (2); except for a paper covering bonded directly to the substrate, the covering giving the surface a characteristic substantially the same as a plasterboard panel, the paper bonded to the metal using a reactive hot melt adhesive, a laminating process is used to adhere the paper to the metal sheets, the metal sheet is selected from the group of mild steel, aluminum, tin, stainless steel or galvanized steel, and the metal is between 0.3 to 1 mm.

Sanmartin teaches that it is known in the art to provide a building panel with a metal sheet (figure 1) and a paper covering "4,5,6" bonded directly to the metal sheet "8" (column 6, lines 30-31, 46-48, and 59-65), the covering giving the surface a characteristic substantially the same as a plasterboard panel (column 1, lines 19-20), the paper bonded to the metal using a reactive hot melt adhesive (column 1, lines 55-61), a laminating process is used to adhere the paper to the metal sheets (column 4, lines 27-34 and column 6, lines 46-48), the metal sheet is selected from the group of



mild steel, aluminum, tin, stainless steel or galvanized steel (column 6, lines 33-35), and the metal is between 0.3 to 1 mm (column 7, lines 27-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the building panel of Harmon with the paper coverings of the building panel of Sanmartin in order to add fire proofing qualities to the panel, to provide more tolerance to damage of the panel by impact, and prevent ageing (column 4, lines 53-57), to co-fuse the layers of the panel to prevent buckling (column 2, lines 9-10), the laminating process used to make the skin of the sandwiched panel resistant to shocks and thermal aggressions (column 2, lines 48-54), the types of metals used and the thickness of the panel provide a low weight and high insulation panel (column 1, lines 13-16).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is shown within the "Notice of Reference Cited".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy Green whose telephone number is (703) 308-9693. The examiner can normally be reached on Monday-Friday (8:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Yvonne M. Horton*  
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*Br*  
*cg*

December 28, 2001

